

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TROY EMANUEL, JR.,

Plaintiff,

v.

COOKE, *et. al.*,

Defendants.

Case No. 3:23-CV-00564-MMD-CLB

ORDER

[ECF Nos. 3, 6]

Pro se Plaintiff Troy Emanuel, Jr., (“Emanuel”) who is incarcerated in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint under 42 U.S.C. § 1983, (ECF No. 5), and two motions for temporary restraining order. (ECF Nos. 3, 6.) The Court screened Emanuel’s civil rights complaint under 28 U.S.C. § 1915A and allowed Emanuel to proceed on the following claims: (1) First Amendment retaliation against Defendants Shane Brown and Michael Gamberg; (2) Eighth Amendment failure to protect against Defendants Warden Cooke, David Drummond, and William Gittere; and (3) Eighth Amendment excessive force against Defendants Milke and Pickens. (ECF No. 4.) The Court also noted that the motions for temporary restraining order would be addressed in a separate order. (*Id.* at 7.)

Accordingly, **IT IS ORDERED** that the NDOC shall respond to the motions for temporary restraining order (ECF Nos. 3, 6) by no later than **December 19, 2023**. Emanuel will have 14 days after service of a response to file his reply. The Court will resolve the motion in the ordinary course and not on an emergency basis.¹

IT IS FURTHER ORDERED that the 90-day stay remains in place, and until the Court lifts the stay, no other pleadings or papers may be filed in this case, and the parties

¹ The Court takes judicial notice of the nearly identical motion for temporary restraining order filed in *Emanuel v. Collins*, Case No. 3:20-cv-00566-RCJ-CLB, at ECF No. 109. This Court recommended that the motion for temporary restraining order be denied, (ECF No. 138), which the District Court adopted and accepted, (ECF No. 151).

1 may not engage in any discovery, nor are the parties required to respond to any paper
2 filed in violation of the stay unless specifically ordered by the Court to do so.

3 **IT IS SO ORDERED.**

4 **DATED:** November 28, 2023.

5 
6 **UNITED STATES MAGISTRATE JUDGE**